

STATE OF IOWA
DEPARTMENT OF COMMERCE
BEFORE THE IOWA UTILITIES BOARD

OFFICE OF CONSUMER ADVOCATE, Petitioner, v. WINDSTREAM IOWA COMMUNICATIONS, INC., Respondent.	DOCKET NO. FCU-2016-_____ (C-2016-0111)
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REQUEST FOR FORMAL PROCEEDING

Pursuant to Iowa Code § 476.3, the Office of Consumer Advocate (OCA), Iowa Department of Justice, requests a formal proceeding on the complaint in this matter. In support of the petition, OCA states:

1. On August 17, 2016, Anthony Hess of Elkhart submitted a complaint alleging that Windstream Iowa Communications, Inc. (Windstream) failed to address his trouble report on a timely basis. The complaint stated:

My landline has no dial tone and my phone indicator light was showing as line in use when all lines were hung up; after the initial call the line in use light turned off but now the phone displays as No Line. Company says they cannot get anyone to look at until the 19th, a full week without service (911, etc.).

2. By letter dated August 30, 2016, Windstream responded to the complaint. The response advised that no technician was dispatched until August 19, 2016, at which time a bad cable pair was found and repaired. According to staff notes dated September 28, 2016, Windstream confirmed that Mr. Hess contacted Windstream to

request a repair on August 12, 2016. Windstream's response provides no justification for the delay.

3. On September 28, 2016, Board staff issued a proposed resolution, concluding it appeared that telephone service issues had been resolved and that Windstream had credited \$16.31 for time without telephone service.

4. OCA agrees with the proposed resolution insofar as it concludes the problems were corrected, but the crux of the Hess complaint was the amount of time it took the company to correct them. It appears there was a loss of access to 911 and of all other telephone service for an entire week.

5. Board rules require that the utility's telephone plant be designed, constructed, installed, maintained and operated in accordance with good engineering practice to ensure, as far as reasonably possible, continuity of service, uniformity in the quality of service furnished, and the safety of persons and property. 199 IAC 22.5(1). The utility is required to employ prudent management and engineering practices so that adequate personnel are available at all times. 199 IAC 22.5(2).

6. More specifically, the utility is required to make "all reasonable efforts" to prevent interruptions of service and, when interruptions are reported, to reestablish service "with the shortest possible delay." "All reasonable efforts" are measured by the following: (1) 85% of all out-of-service trouble reports cleared within 24 hours; (2) 95% of all out-of-service trouble reports cleared within 48 hours; and (3) 100% of all out-of-service trouble reports cleared within 72 hours. 199 IAC 22.6(3).

7. Investigation is needed to determine whether the delay in sending a technician to correct the problem in this instance violated the rules cited above and to

assess whether the company's policies and procedures with respect to the dispatch of technicians to clear trouble reports are sufficient to ensure compliance with the rules.

8. The need for prompt repairs is soundly based as a matter of public policy. Telephone outages threaten public health and safety.

10. If a violation is found, the Board should place the company on written notice of the violation pursuant to Iowa Code § 476.51 (2015), so as to permit the assessment of a civil penalty in the future if and when a violation recurs. Such a notice would send an appropriate message to this and other companies that compliance is expected.

For the foregoing reasons, OCA requests a formal proceeding.

Respectfully submitted,

Mark R. Schuling
Consumer Advocate

/s/ Craig F. Graziano
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